

UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF FLORIDA
FORT PIERCE DIVISION

Case Number: 23-14066-CIV-MARTINEZ-MAYNARD

RYAN JEFFREY HOLMES,

Plaintiff,

v.

KENT CAMPBELL, *et al.*

Defendants.

ORDER ADOPTING MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION

THIS CAUSE is before the Court upon the Report and Recommendation ("R&R") of the Honorable Shanick M. Maynard, United States Magistrate Judge. (ECF No. 68.) Plaintiff, proceeding *pro se*, previously sought and was granted leave to file an Amended Complaint. (ECF Nos. 34, 35.) Plaintiff filed his Amended Complaint pursuant to 42 U.S.C. § 1983 alleging a violation of his civil rights during an arrest. (ECF No. 38.) Since then, Plaintiff has not timely responded to a pending Motion to Dismiss, (ECF No. 41), despite multiple prior extensions of time, (ECF Nos. 55, 67). Plaintiff's response was initially due by December 22, 2023, and was ultimately extended to February 16, 2024. (ECF Nos. 41, 67.) Plaintiff was cautioned that his failure to timely respond may result in a recommendation that this case be dismissed entirely for failure to prosecute. (ECF No. 67.) To date, Plaintiff has failed to respond to the Motion to Dismiss.

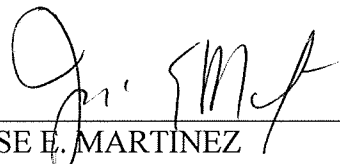
Judge Maynard entered the instant R&R on February 22, 2024, one week after Plaintiff's response to the Motion to Dismiss was due, which recommends that the pending Motion to Dismiss, (ECF No. 41), be granted by default and that Plaintiff's Amended Complaint be dismissed without prejudice for failure to prosecute and comply with Court Orders. (ECF No. 68.)

Defendants filed a Notice of Non-Objection, (ECF No. 69). Plaintiff has not filed an objection to the R&R, and the deadline to do so has passed. Accordingly, after careful consideration, it is hereby

ORDERED AND ADJUDGED as follows:

1. The Report and Recommendation, (ECF No. 68), is **AFFIRMED AND ADOPTED**.
2. Defendants' Motion to Dismiss, (ECF No. 41), is **GRANTED** by default.
3. Plaintiff's Amended Complaint, (ECF No. 38), is **DISMISSED WITHOUT PREJUDICE** for failure to prosecute and comply with Court Orders.
4. The Clerk is **DIRECTED** to **CLOSE** this case and **DENY** all pending motions as moot.

DONE AND ORDERED in Miami, Florida, this 12 day of March, 2024.



JOSE E. MARTINEZ
UNITED STATES DISTRICT JUDGE

Copies provided to:
All Counsel of Record
Ryan Jeffrey Holmes, *pro se*